

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**SHAUNA B.<sup>1</sup>**

Plaintiff,  
v.  
**ANDREW SAUL,**  
Commissioner of Social Security,  
Defendant.

No. 6:17-cv-01764-AC  
OPINION AND ORDER

**MOSMAN, J.**

On May 31, 2019, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R) [21], recommending that the Commissioner's decision be REVERSED and this case REMANDED for further proceedings. Neither party filed objections to the F&R.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

---

<sup>1</sup> In the interest of privacy, the opinion uses only the first name and the initial of the last name of the nongovernmental party in this case.

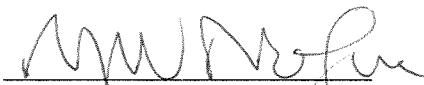
conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

## CONCLUSION

I agree with Judge Acosta's reasoning and ADOPT the F&R [21] as my own opinion. The Commissioner's decision is REVERSED and this case is REMANDED for further proceedings.

IT IS SO ORDERED.

DATED this 5 day of July, 2019.



MICHAEL W. MOSMAN  
Chief United States District Judge